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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,475	10/12/2001	Jeffrey C. Hawkins	24772-05940	9956

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EXAMINER
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BHATTACHARYA, SAM

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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01/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

09/976,475

Applicant(s)

HAWKINS ET AL.

Examiner

Sam Bhattacharya

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-19, 21-32, 48-54 and 56-63 is/are pending in the application.
- 4a) Of the above claim(s) 12-19, 21-28, 31 and 32 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 64-71 is/are allowed.
- 6) ☒ Claim(s) 29, 30, 48-54 and 56-63 is/are rejected.
- 7) ☒ Claim(s) 55 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 29, 30, 48, 49, 51-54, 56, 57, 59-61 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen (US 5,797,089) in view of Scalisi (US 7,218,242).

As to claims 29, 56, 57, 60 and 61, Figures 2 and 3 in Nguyen show a handheld computing device (10) comprising: a base (22) (see Col. 3, lines 56-63 and Col. 4, lines 7-16); a processor (43), for executing software instructions on the PDA (see Col. 4, line 59 to Col. 5, line 9); a memory (41, 46), for storing software instructions to be executed by the processor (see Col. 4, line 59 to Col. 5, line 9); a plurality of applications stored in the memory (see Col. 4, line 59 to Col. 5, line 9), a lid (21), coupled to the base (22), for activating the PDA when opened, and causing the processor to execute a first application stored in the memory (see Col. 6, lines 58 to Col. 7, line 3); and a power button (25), coupled to the base, for activating the device when pressed, and causing the processor to execute a second application stored in the memory (see Col. 7, lines 4-12).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

Scalisi discloses a combination cellular phone, PDA and pager unit that includes buttons that cause an internal processor to execute applications when the lid of the electronic device is

closed. See col. 9, line 58 – col. 10, line 13 and col. 10, lines 39-55. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Scalisi, so that a user can quickly and conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

As to claim 30, the Nguyen reference discloses a computer program product stored on a computer readable medium for operating an integrated personal digital assistant (PDA) device (see Col. 4, line 59 to Col. 5, line 9), the computer program product controlling a processor coupled to the medium to perform the operations of:

responsive to a lid of the device being opened, activating the PDA and executing a first application stored in the memory of the device (see Col. 6, lines 58 to Col. 7, line 3); and

responsive to activation of the PDA power button, activating the PDA and executing a second application stored in the memory of the device (see Col. 7, lines 4-12).

Nguyen fails to disclose executing by the processor the second application when the lid is closed.

Boesen discloses a combination cellular phone, PDA and pager unit that includes buttons 22 and 24 that cause an internal processor to execute applications when the lid of the electronic device is closed. See FIGS. 6 and 9, and paragraph [0043], lines 4-11 and paragraph [0052]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the PDA operating method of Nguyen by including buttons that are accessible when the device is closed, as taught by Boesen, so that a user can quickly and

conveniently access applications without having to open the cover of the device and also to minimize the clutter of buttons on the inside cover of the device.

Regarding claims 48 and 52, Nguyen discloses that the first application and the second application are the same application.

Regarding claim 49 and 53, Nguyen discloses that at least one of the first application and the second application comprises a telephone application or a communication application.

Regarding claims 51, 59 and 63, Nguyen discloses an application button coupled to the base, for when the application button is activated activating the device and causing the processor to executing a fourth application associated with the application button. See col. 7, lines 4-12.

Regarding claim 54, Nguyen discloses that the computer program product is further configured to control the processor to perform the operations of: responsive to the lid being closed while a call is in progress using the handheld computing device and a headset, keeping the call alive; and responsive to the lid being closed while a call is in progress using the handheld computing device without the headset, terminating the call. See col. 7, lines 4-12.

3. Claims 50, 58 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen in view of Scalisi and Takahashi (U.S. Patent 6,662,244).

Regarding claims 50, 58, 62, Nguyen and Scalisi fails to disclose a jog rocker coupled to the base, for when the jog rocker is activated activating the device and causing the processor to execute a third application stored in the memory.

However, the Takahashi reference teaches this feature at col. 3, lines 27-30, col. 6, lines 1-3, col. 7, lines 8-28, and Figure 3.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Nguyen-Scalisi wherein the PDA additionally includes a jog rocker, and further comprising: responsive to activation of the jog rocker, activating the device and executing by the processor a second application stored in the memory of the PDA, as taught by Takahashi, in order to control the input/display mode by means of a jog dial.

4. Claim 55 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5. Claims 64-71 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to disclose the recited combinations of elements, including responsive to receiving a notification of an incoming call and the lid being opened more than a predetermined period of time after receiving the notification, answering the incoming call; and responsive receiving the notification of the incoming call and the lid being closed more than the predetermined period of time after receiving the notification, ignoring the incoming call, as in claim 55; responsive to receiving an incoming call notification and the apparatus being switched from the first state to the second state within a first predetermined period of time, answering the incoming call, and responsive to an active call and the apparatus being switched from the second state to the first state within a second predetermined period of time, terminating the active call, as in claims 64 and 68.

***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Bhattacharya whose telephone number is (571) 272-7917.

The examiner can normally be reached on Weekdays, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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